

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MITCHELL MCGUIRE)	
)	
)	Civil No. 07-183-P-S
v.)	Crim. No. 03-8-P-C
)	
UNITED STATES OF AMERICA,)	

ORDER TO ANSWER

Mitchell McGuire, who is serving a 300 month sentence, has filed with this Court a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255.

The Court having reviewed the file in this matter, hereby orders the United States Attorney to file an answer or otherwise respond to the motion no later than December 17, 2007. If the United States believes that the petition is not timely filed, they may, of course, respond with a motion for summary dismissal on statute of limitations grounds rather than a response on the merits in the first instance. If further answer is required, the United States will be given the opportunity to further respond. If the United States is satisfied the petition is timely under Clay v. United States, 537 U.S. 522 (2003) they should file a substantive response to the petition.

So ordered.

October 18, 2007

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge